IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3443 OF 2005

Naseer Gulamohammed Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.B.R.Patil for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JULY 13, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record including the order passed by me on March 14, 2005.

2. In my opinion, there is no changed circumstance, so as to entertain successive Bail Application on behalf of the Applicant/accused No.1. The previous Bail Application has been rejected by me after considering the materials on record on merits.

3. The only argument which is canvassed before this Court to persuade me to take the view that there is changed circumstance is that more than four months have elapsed since the rejection of the earlier Bail Application and the trial has not progressed. That, in my opinion, is not a changed circumstance.

4. The offence in question is a serious offence, including under Section 302 of the Indian Penal Code. In my order dated 14th March 2005, I have already directed the concerned Sessions Court to assign the trial to the Fast Track Court to ensure early disposal of the trial. I hope that the said direction is being followed by the concerned Court.

5. The learned Counsel for the Applicant then submits that the Applicant is suffering from serious ailments, for which, he has been hospitalised, but no proper facility is available in the Government Jail Hospital. There is nothing

on record to support this position. In my earlier order, in Para 6, Jail authorities have been directed to provide necessary aid to the Applicant. It is also observed that if the aid available in the Jail Hospital is inadequate, on certification of the attending Doctor, appropriate medical facility can be provided to the accused including in the private Hospital at his cost. In that sense, no interference is warranted on this aspect as well.

6. Hence, dismissed.

A.M.KHANWILKAR, J.